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4 KENAN THOMPSON,
5 Plaintiff,
6 v.
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8 CARMAX,
9 Defendant.

10 Case No. [23-cv-01364-AMO](#)

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**ORDER DISMISSING CASE FOR
FAILURE TO PROSECUTE**

21 Plaintiff, proceeding *pro se*, commenced this lawsuit on March 23, 2023. ECF 1.
22 Following an order to show cause, ECF 6, Plaintiff filed an amended complaint on April 20, 2023,
23 ECF 7. Because the amended complaint did not cure the deficiencies identified in the order to
24 show cause, United States Magistrate Judge Joseph C. Spero issued a report and recommendation
that the amended complaint be dismissed, with leave to amend as to Claims Five through Eight
and with prejudice as to Claims One through Four. ECF 12. The report and recommendation
indicated that Plaintiff could “file an objection . . . no later than fourteen (14) days from the date
on which he is served a copy[.]” The case was then reassigned to this Court. ECF 14. Plaintiff
did not file any objection to the report and recommendation.

25 On May 31, 2023, this Court adopted Judge Spero’s report and recommendation, dismissed
26 the amended complaint with prejudice as to Counts One through Four, and granted Plaintiff leave
27 to file a second amended complaint, as to Claims Five through Eight, “no later than 28 days from
the date on which he is served with a copy of th[e] Order.” ECF 17.

28 On August 7, 2023, the Court issued an order to show cause why this case should not be
dismissed for failure to prosecute. ECF 19. Plaintiff’s response to the order to show cause was
due by no later than August 31, 2023. *Id.* at 2. To date, Plaintiff has not filed a written response
to the order to show cause or filed a second amended complaint. Accordingly, the Court

1 DISMISSES this action WITHOUT PREJUDICE for failure to prosecute. The Clerk is directed to
2 enter final judgment against Plaintiff and close the file in this matter.

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4 **IT IS SO ORDERED.**

5 Dated: September 19, 2023

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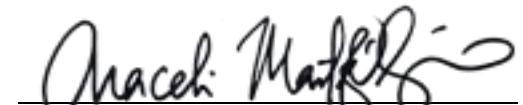
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ARACELI MARTÍNEZ-OLGUÍN
United States District Judge